THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23940 OF 2005

Dt.9.11.2005

Between:

Kum.Y.Rama Krishna Chaitanya

… Petitioner

And

The Joint Collector, Krishna District

At Machilipatnam and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner questions the order of the Sub Collector, Vijayawada, dated 29.10.2004 made in Rc.No.A7/1690/2004 in cancelling his Fair Price shop dealership in exercise of power under Clauses 3 and 4 of the A.P.State Public Distribution System Control Order, 2001 on the ground that the Sarpanch and 55 others of Anigandlapadu Village made representation with regard to the selection of the petitioner alleging that she studied M.B.A., and working as C.C. in Velugu Project. The Special Deputy Tahsildar, Nandigama, made a detailed enquiry and reported that the petitioner is not having vote in the village and she belongs to O.C.

category and she studied M.B.A., and is preparing for higher studies and her parents were benefited under various Government schemes. It is stated that the Village Panchayat Secretary also reported that she is working in Velugu Project and she is not residing in the village. Based on the said report, the authorization of the petitioner has been cancelled. Against the said order of the Sub Collector, the petitioner filed an appeal before the Joint Collector, Krishna District and the Joint Collector by his order dated 12.9.2005 dismissed the said appeal on merits.

It is stated that previously the mother of the petitioner was running a Fair Price Shop as in charge dealer and thereafter notification was issued for regular appointment in which the petitioner was selected on the ground that she is having higher educational qualification i.e., M.B.A. Having higher educational qualification is not a ground to give preference as per the relevant guidelines and rules. Persons possessing the minimum general qualifications and the persons having higher qualifications, if applied, shall be treated equally for the purpose of appointment. It is further stated that the petitioner herself admitted that she prepared for Group-I examinations and also worked as C.C. in Velugu Project in Medak District up to October 2003 and her name was deleted from the voters' list of Anigandlapadu Village. Therefore, the Joint Collector, Krishna after considering all the contentions dismissed the appeal holding that the petitioner is not entitled for any preferential consideration merely because she is having higher educational qualification. Under Clause 21 of the said Control Order 2001, revision lies to the District Collector.

In the absence of any material showing that the petitioner is residing in the said village and her name is in the voters list and she never worked as C.C. in Velugu project in Medak District, I am of the opinion that the impugned order cannot be interfered with.

The writ petition is accordingly dismissed. No costs.

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(V.ESWARAIAH, J.)

9.11.2005

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